

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DEBORAH ST. PETER and  
MATTHEW BOGACZ,  
Plaintiffs

v.

TOWN OF AGAWAM, TOWN OF AGAWAM  
POLICE DEPT., AGAWAM POLICE CHIEF  
ROBERT CAMPBELL, ANTHONY GRASSO,  
JAMES WHEELER, RICHARD NILES,  
KEITH BOPKO, JOHN MOCCIO,  
OFFICER MCGOVERN,  
Defendants

CIVIL ACTION NO: 04-30054-MAP

FILED  
IN CLERK'S OFFICE  
2:00 PM NOV 30 2006  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**PLAINTIFFS' EMERGENCY MOTION TO POSTPONE TRIAL**

Now come the Plaintiffs in the above-entitled matter and respectfully request that the Court postpone the trial in the above-entitled matter currently scheduled to begin on December 11, 2006.

As grounds therefore, Plaintiffs assert the following:

1. In response to notice that she would be receiving a subpoena, Ms. Phyllis DeLucchi a key eyewitness of the Plaintiffs, telephoned Plaintiffs' counsel and informed her that she would be unable to testify during the week of December 11, 2006.
2. Ms. DeLucchi cited as reason therefore a serious medial condition for which she is being admitted into the hospital on December 6, 2006. (See Affidavit filed under seal herewith). Ms. DeLucchi was extremely upset regarding her condition and apologetic that she would be unable to attend the trial on the matter.
3. Ms. DeLucchi's testimony is crucial to the Plaintiffs' case as she observed some of the events in question and can corroborate significant portions of the Plaintiffs' testimony.
4. More specifically, Ms. DeLucchi will testify *inter alia*, that she observed a number of officers around Mr. Bogacz's head, that one of the officers had an object in his hands and that his hands were moving about the head and shoulder area of Mr. Bogacz, that

she observed handcuffs on Mr. Bogacz at the time and that she heard one of the officers standing by say "witness, witness" after looking up and seeing her in the window.


5. To proceed forward with the trial without this witness would be extremely prejudicial to the Plaintiffs.
6. Plaintiffs' counsel has discussed this unfortunate development with Defense counsel who has assented to this motion.

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court Grant the Plaintiffs' Emergency Motion to Postpone the Trial Date in the above-entitled matter.


THE PLAINTIFFS  
DEBORAH ST. PETER &  
MATTHEW BOGACZ

Dated: November 30, 2006

By:

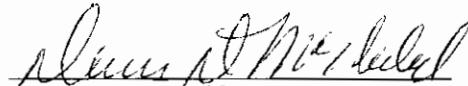
  
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Assented to by:  
The Defendants

  
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**CERTIFICATE OF SERVICE**

I, Dawn D. McDonald, Esq., hereby certify that on this 30th of November, 2006, I caused the foregoing document to be served upon all the Defendants the foregoing document, via E-mail, as follows: Jeffrey L. McCormick, Esq., Robinson Donovan, 1500 Main Street, Suite 1600, P. O. Box 15609, Springfield, MA 01103; jmccormick@robinson-donovan.com.

  
Dawn D. McDonald, Esq.